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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,496	04/02/2001	Toshiharu Uchida	Q63783	8575

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SUGHRUE, MION, ZINN
MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.,
Washington, DC 20037

EXAMINER

BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

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DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/822,496

Applicant(s)

UCHIDA, TOSHIHARU

Examiner

Raymond J. Bayerl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

1. Applicant is reminded of the proper language and format for an abstract of the disclosure. The form and legal phraseology often used in patent claims, such as "therein" (line 8) should be avoided. See MPEP 608.01(b).
2. The disclosure is objected to because it appears to be replete with numerous typographical and grammatical informalities. Examples of these occur at page 3, line 14 ("the menu display the menu display") and page 15, line 12 ("FIG 11.", in a discussion of fig 1; there is no fig 11). Applicant is invited to review the text of the specification in view of these and other informalities, so as to improve its accuracy and readability, making such changes as needed.
3. The disclosure is further objected to because the summary of the invention at pages 2 – 13 is not in fact a summary, but rather, a detailed and repetitive entry of the essential recitations of the several claims. It is further noted that method details from pages 8 – 12 are nearly identically repeated at pages 12 – 13.
4. The drawings are objected to under 37 CFR 1.83(a) because they fail to show descriptive labels within the "blank box" elements of fig 2, as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
5. Claims 7 – 8, 10 are objected to because of the following informalities: "the predetermined fixed menu information [that?] is used", claim 7; "kinds of the menu

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information that can be updated is [that are?] used”, claim 8; “by a user referring [to?] the map data”, claim 10. Appropriate correction is required.

6. Claims 6 – 8, 10 – 11, 17 – 19, 21 – 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 6, 17, “the menu information that can be updated” lacks clear antecedent basis in the preceding claim recitation.

At the beginning of independent claims 10, 11, 21, 22 “The menu display system” is uncertain in view of the initial word “A” found in independent claim 1. Is there an antecedent basis implied by using “The”?

Also in claim 22, what form of claim is intended, when the “menu display method includes the processes of:”? Might applicant have intended “including”? Further in claim 21, “sends position data” does not fit the form of “processes”—“sending” would appear better.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 – 5, 9 – 16, 20 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kariya (“Kariya”; US #6,169,897 B1) in view of Hancock et al. (“Hancock”; US #6,202,023 B1).

As per independent claim 1's "menu display system" that involves "obtaining menu information linked to an area corresponding to the detected current position" (see also independent claims 10, 12, 21), please note that Kariya's MOBILE COMMUNICATIONS SYSTEM, in having CAPABILITIES TO ACCESS LOCAL INFORMATION RESOURCES, makes connection to a URL list server to obtain a link list page (Abstract), as in "controlling the menu display by using the menu information". More specifically, and as shown in Kariya's fig 1, a terminal 2 makes access to a relevant link list page (e.g., the "hyper text" of claims 9, 20), after which the display unit 2d presents the local URL list to the subscriber (col 4, lines 43 – 63). Please note further the example given in Kariya's fig 4 of the local URL list (link list page), as is specific to the West District of Yokohama.

Kariya determines the mobile user's position based upon the location of one of radio base stations 1a – 1n, and is therefore somewhat deficient in its handling of "a menu display in accordance with map data". However, Hancock's INTERNET BASED GEOGRAPHIC LOCATION REFERENCING SYSTEM, in which services are accessed over a computer network, such as the Internet, for users in a mobile environment based on their geographic location (Abstract), makes use of an automatic location identifying (ALI) device, such as a GPS receiver (col 3, lines 1 – 45). Responsive to transmitted location information, Hancock's client is automatically presented with a map of the current geographical area (claim 10's selection of a "position designated by a user referring the map data"). See also col 9, line 65 – col 10, line 23.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to access and generate a Kariya-style "menu", downloaded to and buffered within a "menu information storage device", on the basis of "map data" and the relative "current position of a movable body", as Hancock does in an "information obtaining device" that operates with a "detected current position", because this enables a greater flexibility and precision in the list retrieval accomplished by Kariya, since the Hancock client reports directly upon its "position" to the host system at base station 1306 (fig 13).

Claim 2's "radio communication" is clearly taught by both Hancock (col 24, lines 14 – 38) and Kariya (col 3, lines 54 – 64). See also claim 13. As per claims 3, 14, the "radio communication device" in Hancock, as noted above, is "for sending position data of the detected current position", so as to obtain the local "menu information" provided in Kariya. The "center side server" of claims 4, 15 is to be found in the primary server 1314 depicted in Hancock's fig 13. The connection between Hancock's base station 1306 and the primary server is "the Internet" 1318, as in claims 5, 11, 16, 22.

9. Claims 6 – 8, 17 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kariya in view of Hancock and Liu et al. ("Liu"; US #6,349,257 B1).

Though one might presume that the menuing interfaces of both Kariya and Hancock need to begin operations with a certain quantity of generic information that might suggest claim 6's "predetermined fixed menu information" that accompanies the "menu information that can be updated" (see also claim 17), an **explicit** teaching of such a feature in the combination of those two references is not evident.

However, Liu's SYSTEM FOR PERSONALIZED MOBILE NAVIGATION INFORMATION is one in which choices presented to the user of the navigation system (abstract) contain the initial generic choices such as is shown figs 4 – 6, so as to provide a resulting list that is ordered according to the user's preference (col 7, lines 1 – 17).

Thus, it would have been further obvious to the person having ordinary skill in the art to use a system of “predetermined” and “updated” information in a menuing system like Kariya's when adapted as per Hancock, given that Liu's analogous disclosure is of presenting both generic and position-specific navigation information to a mobile user.

In traversing the menu structure of Liu, a “menu selecting device” as in claims 7, 18 is needed, so as to access the various screens of the system. This “selecting device” (claims 8, 19) “can select any one of a plurality of kinds of the menu information that can be updated”, since various options for roadside services can be found in Liu.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The remaining US Patent documents made of record (see attached form PTO-892) relate to applicant's general topic of accessing services on the basis of geographic location.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (703) 305-9789. The examiner can normally be reached on M - F from 10:00 AM to 5:00 PM.

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12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173
3 December 2003